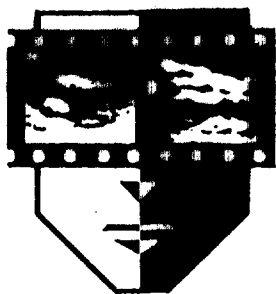


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*Congratulations to
Arnold Shapiro
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for your contributions
to society, television,
and the many lives
that have been saved.*

*Happy 100th episode
and continued success!*

Michael Yada

RESCUE 911

Shapiro

Continued from page S-6

Shapiro read in January 1978 inspired the chilling film.

"Nobody anticipated the reception that documentary would receive," says Shapiro. "Nothing like it had been on TV in terms of language, and it caused a stir in terms of social conscience in examining juvenile crime and the ways we're dealing with it."

Although Shapiro, married to his wife Marie for 11 years, has no kids of his own, his sensitivity to all those who are vulnerable — whether they be children, animals or victims of circumstance — appears to be the guiding philosophy of his life and work. "Cruelty and violence toward the innocent is just appalling and unacceptable to me. And that theme comes out in almost everything I do in one form or another."

The producer's company, Arnold Shapiro Prods., operated under the umbrella of Golden West Television during its first two and a half years, beginning in 1982. Golden West was sold in 1984. Shapiro's production company has operated independently since then.

Prior to that, Shapiro served as vp movies for television at TAT — Norman Lear's production company — which later became Embassy Television. He held that post from 1979-81, developing "The Burning Bed" and attaching Farrah Fawcett to the project.

Corporate sponsor USAA, a financial services company, has funded all 14 of Shapiro's social-issue documentaries produced since 1985. All have aired in syndication, except two that ran on CBS, including "Scared Silent." Shapiro's relationship with the eye network has continued with "Rescue 911" and every TV movie that he's produced, including "Scared Straight! Another Story," "The Drug Knot" and most recently "Goodnight Sweet Wife: A

Murder in Boston."

He has also helmed a multitude of syndicated programs and specials, including "Over the Influence: Preventing & Recovering Our Kids From Drugs and Alcohol," hosted by Tom Selleck and Whitney Houston; "The Truth About Teachers," hosted by Whoopi Goldberg; "See Dick & Jane Lie, Cheat & Steal," hosted by Selleck; and the Emmy-nominated "Scared Straight! 10 Years Later," hosted by Goldberg.

Along the way, every project Shapiro has been involved with — whether it be documentary, docudrama or reality show — has been based on fact. "I'm not too interested in pure fiction," he says. "I don't rule it out, but I just have a fascination with the truth. And I'm one of those people who believe that fact and truth are more intriguing than fiction." □

THE REPORTER

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Life Lessons

More than 100 lives have been saved as a result of viewers using techniques seen on the show.

BY STEVE CHAGOLLAN

The triumph of everyman over adversity — namely life-threatening situations — makes "Rescue 911" a stand-out in the reality arena. There are no superheroes on this show, only ordinary people performing extraordinary feats, usually under extreme duress.

The message is clear: "This could happen to you." And in countless cases, the show has inspired viewers to follow its example, averting potential tragedy in the process. As of early January, nearly 120 lives have been saved as the result of what people have learned from watching "Rescue 911."

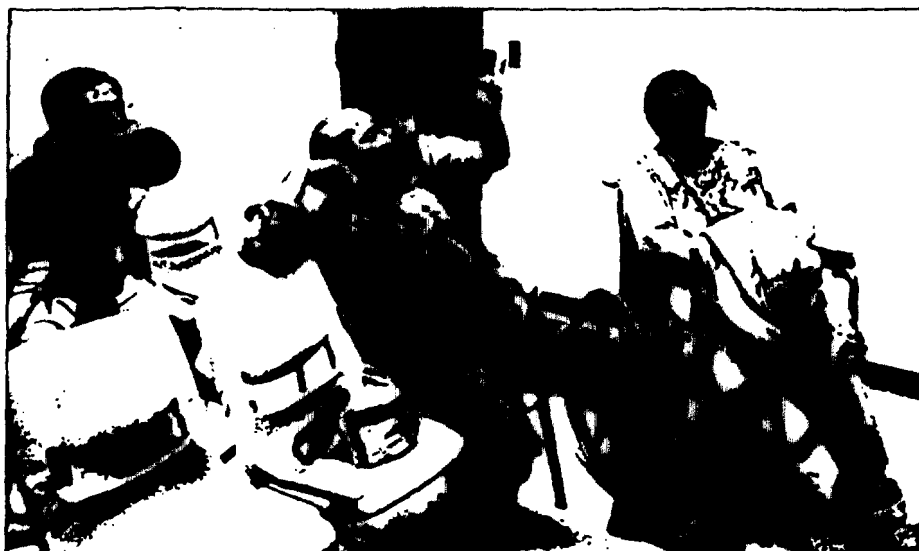
"This show has saved so many lives that I think it's unique in the annals of TV," says the program's host, William Shatner.

"Anything that can possibly save a life as a result of somebody's watching ('Rescue 911') — whether it be properly reporting a 911 incident, performing CPR, applying the abdominal thrust to a choking victim — is the most positive thing coming out of that show," affirms Capt. Steve Valenzuela of the Los Angeles County Fire Department.

Adds "Rescue 911" executive producer Arnold Shapiro: "We are the only television series that I know of that is literally saving the lives of viewers. These are lives we've been able to verify, where viewers have written to us and said that if it weren't for your series, I wouldn't be alive today or my child wouldn't be alive."

As a result, "Rescue 911" kicked off its fourth season Sept. 15 with an episode titled "100 Lives Saved." The program chronicled a number of incidents in which people re-created what they saw on the show to rescue a loved one, friend or a complete stranger from death.

Perhaps the most remarkable segment of "100 Lives" is the account of a man who rushed his wife to the hospital after she, unbeknownst to either of them, became poisoned with carbon-monoxide. As the



A couple re-creates their viewing of a life-saving episode about gas leaks.

woman and her husband sat in the waiting room, her symptoms seemed to lessen — largely because she had left the house in which the hazardous gas had been released.

As they waited to see a doctor, the couple noticed a television tuned in to "Rescue 911," which just happened to be airing a story about carbon-monoxide poisoning. In the segment they viewed, a man and woman were poisoned by carbon monoxide from a possibly faulty furnace.

As they watched the show, the couple realized that her symptoms mirrored those depicted in the story and that the four kids they had left at home were being exposed to the same toxins. The husband immediately rushed home and, with the help of paramedics, saved their lives.

Producers note the story as a concrete example of "Rescue 911" having a direct, immediate effect on people's lives.

The indirect effect might be even greater. "There's no way to measure events that don't happen, but we know that we have saved additional lives just in the prevention area because we've educated people," says Shapiro. "If by watching our show certain

people made changes in their house that resulted in installing smoke-alarm systems or taking gasoline cans out of the garage, they might have acted in a way that avoided tragedy because the life-threatening event never happened."

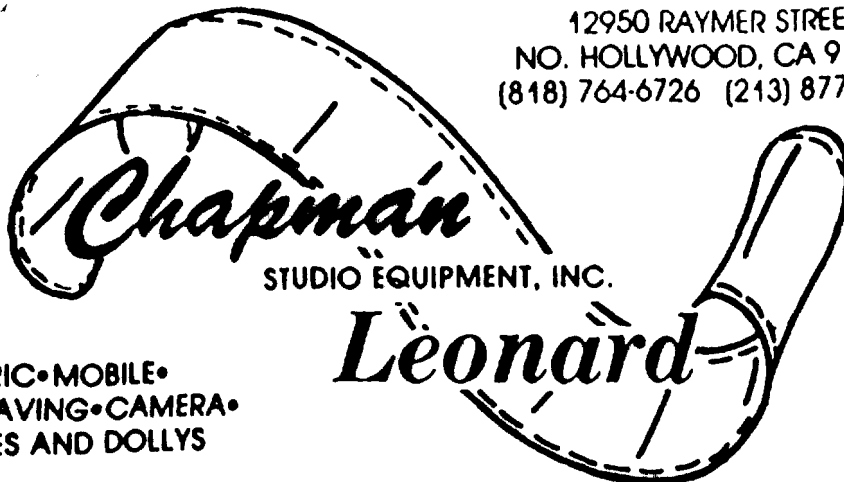
"I happen to know that many hundreds of lives have been saved as a result of this show," adds Shatner, "because some of those people have written in and some I've met. A man with tears streaming down his cheeks, holding his daughter, approached me in the street and said that if it weren't for the show, his daughter wouldn't be alive. That was meaningful for me, to be intimately connected to that moment in his life."

In addition to being introduced to such life-saving techniques as the Heimlich maneuver and CPR, viewers have learned a wide range of tips during the three years "Rescue 911" has been on air.

Some of those key lessons include safeguarding against further injuries by not moving accident victims unless their lives are in immediate danger; never covering electrical cords with rugs or any other

Continued on page S-20

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Life Lessons

Continued from page S-4

objects, because of possible fire dangers; having heater units inspected before using them to ensure that there are no leaks — a frequent cause of carbon monoxide poisoning; applying direct pressure to an open wound in order to prevent bleeding to death; learning gun safety; and teaching children how to use the 911 system.

Not only do the makers of "Rescue 911" instruct audiences about what should and should not be done in dire circumstances, they also practice what they preach. "Our biggest nightmare is to have somebody injured while doing a 'Rescue 911' show," says Milio. As a result, the producers go beyond the call of duty in terms of safety precautions while filming re-creations.

"We always have more equipment and more personnel [than necessary]," says Shapiro. "Because the last thing we need is to create a new accident in the process of re-creating an old one."

When working with the actual people whose experiences they chronicle, the producers are especially careful. They don't allow the real people to participate in any re-creation when there is possible danger. Instead, the show uses stunt people, special-effects professionals and actors.

"We let the real people participate when it is safe to do so and psychologically comfortable," assures Shapiro. "And we never let little kids participate in a traumatic re-creation, even though they always want to."

In the meantime, the show continues to affect people's lives in a significant way, and the number of lives saved as a result continues to mount. "We're happy about our ratings and reviews," says Shapiro, "but we're proud of and elated by the impact our program is having on the health and safety of those who watch." □

CERTIFICATE OF SERVICE

I, Nancy M. Cassady, Secretary in the firm of Schwartz, Woods & Miller, certify that I have on this 29th day of March, 1993, served copies of the foregoing letter on the following:

The Honorable James Quello *
Chairman, F.C.C., Room 802
1919 M Street, N.W.
Washington, DC 20554

The Honorable Ervin Duggan *
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, DC 20554

The Honorable Andrew Barrett *
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, DC 20554

Renee Licht, Esquire *
Acting General Counsel, Room 614
FCC, 1919 M Street, N.W.
Washington, DC 20554

Roderick K. Porter, Deputy Chief *
Mass Media Bureau, FCC, Room 314
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Nancy M. Cassady

* By Hand
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February 4, 1993

Roderick K. Porter, Deputy Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W. #314
Washington, D.C. 20554

Dear Mr. Porter:

On behalf of MTM Television Distribution, Inc. (MTM), we file this supplement to our request for the Bureau's confirmation that the program RESCUE 911 may reasonably be classified by licensees as a "documentary" within the definition of the Prime Time Access Rule (PTAR). This letter is intended to replace and to supplement our previous request of November 10, 1992 addressed to Jackie Chorney of your staff.

As noted in our earlier letter, Section 73.658(k) limits the amount of time which commercial television stations owned by or affiliated with a national television network in the 50 largest television markets may broadcast network or off-network programs during the four hours defined as "prime time". MTM is currently marketing domestic syndication rights to RESCUE 911 for broadcast starting in the fall of 1993. It wants to be able to provide firm assurance to potentially affected station clients that the airing of RESCUE 911 during prime access time would not be construed as a violation of the Commission's rules. This is neither a request for waiver nor for declaratory ruling that RESCUE 911 falls within the exempt "documentary" category. MTM understands that the Commission is bound by the Court of Appeals to not issue such rulings under the terms of the decision which affirmed the present version of PTAR. National Association of Independent Television Producers and Distributors et al. v. FCC, 516 F.2d 526, 540-541 (2nd Cir., 1975). MTM seeks only a restatement of the Commission and Court's position regarding licensees' discretion to make these decisions.

RESCUE 911, produced by CBS and Arnold Shapiro Productions, is currently in its fourth season on the CBS

Television Network. MTM believes that the program clearly meets one of the exceptions to the rule, which states that documentaries, among other specified types of programs, need not be counted toward the three-hour limitation on weeknights and Sunday nights. Note 2 to Section 73.658(k)(1) contains the definition (in pertinent part):

The term documentary programs means programs which are non-fictional and educational or informational ...

RESCUE 911 features non-fiction accounts of rescues and emergency medical responses by professionals, volunteers and ordinary citizens. The series utilizes actual video or film when available, and recreates the events when no recording is available. Fictional elements are not added when events are recreated. Principals in the actual events participate in the recreations whenever possible, and they sometimes narrate the segments in which they were involved. Principal interviews are included in most segments. "Day in the life" segments are also produced with the cooperation of fire departments, Emergency Medical Services bureaus and hospitals, in which RESCUE 911 personnel are permitted to record events as they happen. A copy of the previously submitted descriptive listing of representative segments included in RESCUE 911 programs from the past three years is attached.

MTM believes that the program fits squarely within the "documentary" definition, and that network owned and operated stations and affiliates can schedule the program during prime time without violating the rule. The program is non-fictional. It is produced in association with Arnold Shapiro, the renowned documentarian responsible for such programs as "Scared Straight" and "Scared Silent." The series serves to inform the public about life-saving techniques, and is accordingly both educational and informational. Viewers of the program have credited RESCUE 911 with giving them knowledge which they needed to save lives in emergency situations. In acknowledgement of this public educational function, the program has been presented with awards from groups including the American Red Cross, the American College of Emergency Physicians, and the Associated Public-Safety Communications Officers. A copy of the previously submitted listing of awards received by the program is attached.

Because there has not been a ruling by the Commission with respect to the exemption from the PTAR of a documentary

program such as RESCUE 911,^{1/} MTM would appreciate confirmation by the Commission that licensees would be reasonable in classifying RESCUE 911 as a documentary series.

We present the following additional analysis in support of our request for ruling. The present version of the PTAR has been effective since September, 1975. The rule was first enacted in 1970 for the express purpose of encouraging the broadcast of local news and public affairs programming and independently produced programming during prime time. The documentary exception was added in 1975 because the Commission determined that there were public interest benefits in encouraging programs of this nature, whether or not they had originally appeared on the networks. The exemption which contains the documentary exception was the subject of a court appeal and was approved by the Court in National Association of Independent Television Producers and Distributors et al. v. FCC, 516 F.2d 526 (2nd Cir., 1975). In particular, the Court approved the Commission's express definition of exceptions to the rule, in place of its earlier use of a waiver process under previous versions of the rule. The court stated that "[t]his codification has the advantage of a more soundly based rule of administrative procedure and a desirable accent on the licensee's freedom to control his own programming." 516 F.2d at 537. The Commission's response to the Court's admonition was to state:

Accordingly, interpretations as to whether or not a particular proposed network or off-network program comes within the exemption are matters for the determination of networks and licensees of stations subject to the rule. We expect such determinations to be made in good faith, bearing in mind the fundamental objectives not only of the exemption but of the prime time access rule.

Third Report and Order in Docket No. 19622, 53 FCC 2d 335, 344 (1975).

^{1/} The Bureau reportedly has granted Andrew Solt Productions a waiver of PTAR for weekend distribution of a syndicated series based on the CBS Television Network Ed Sullivan Show. Television Digest, January 25, 1993, p.3. MTM understands from counsel for Solt that no written opinion was issued by the Bureau. Solt had sought either a waiver of the definition of documentary as contained in PTAR or a waiver of the off-network program restriction.

During the process of enactment of the amended PTAR, the Commission was asked to confirm that the series AMERICA and VICTORY AT SEA were properly classified as documentary programs under the new definition. These requests were decided after the proceeding to implement the new rule was completed. The Commission's response to the requests was as follows:

While it is not the Commission's function to give ad hoc rulings as to whether particular programs come within the exemption categories, it appears that licensees could reasonably regard both America and Victory at Sea as documentary programs, and therefore, on that basis they may be shown under the new rule starting September 8, 1975.

Prime Time Access Rule, 53 FCC2d 618, 624 (1975).

We believe the Commission can provide guidance to licensees that RESCUE 911 fits under the documentary exception to the rule, in the same way guidance was given respecting AMERICA and VICTORY AT SEA. In the alternative, MTM asks the Bureau to restate and republish the Commission's policy that the Commission does not categorize specific programs for PTAR definition purposes, but rather leaves that decision up to the good faith determinations of licensees. Third Report and Order in Docket 19622, 53 FCC 2d 335, 344 (1975). These last statements are almost two decades old, and a reaffirmation by the Bureau would bring clarity to the area.

In connection with the question of licensees' good faith judgment, it may be helpful to examine the following footnote which was included in the Commission's first adoption of the documentary exemption and which might be read as undercutting MTM's position:

Thus, the stripping of off-network material on the theory that it is a program designed for children or a documentary program, would not be regarded as consistent with the spirit or objectives of the rule.

Second Report and Order in Docket No. 19622, 50 FCC 2d 829, 843 (1975). Although the rule itself does not contain any modifying language when it sets forth the exceptions to the PTAR, the Commission had stated that licensees are expected to bear "in mind the fundamental objectives not only of the exemption but of the prime time access rule" in making good faith determinations to schedule exempt network or off-network material.

MTM submits that the footnote does not bar good faith classification of RESCUE 911 as an exempt series of documentaries. The footnote is not contained within the final Commission decision implementing the PTAR, but rather the decision preceding, which was appealed to the Court and which never took effect as scheduled. The footnote was referenced to the sentence in the text "We expect the networks, and licensees in their acceptance of network programs and use of off-network material, to keep such programming to the minimum consistent with their programming judgments as to what will best serve the interests of the public generally." The Third Report and Order contained no such limiting "expectation" on the Commission's part. The documentary exception was extensively discussed by the Court, and by the Commission on remand, and the limiting language was never approved or repeated. To the contrary, and as a result of the Court remand, the Commission considered and rejected possible ceilings on the total amount of time which could be used for exempt programming under the new rule. The Commission found no cause "at least for the first year" to adopt any limitations, after consideration of a ceiling on the networks' scheduling of exempt material as well as a ceiling on licensees' use of exempt network and off-network material. The only limitation on the use of exempt material contained in the rule pertains to Saturday night, which the Commission believed important to the development of hour-long original syndicated product. As a consequence of the Court remand and the Commission's actions on remand, the rule is precise and unambiguous as to when exempt material can be scheduled. The Commission has never revisited the subject of placing limitations on the use of exempt material, and classification of such material appears still to remain a determination for the good faith judgment of licensees, as approved by the Court.^{2/}

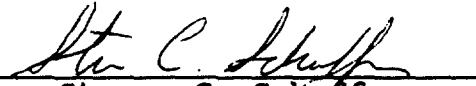
We respectfully request the Bureau's confirmation that licensees would be reasonable in classifying RESCUE 911 as

2/ Even if it were argued that language from the Second Report and Order could be used in determining what constitutes "good faith" by a licensee, the very same document contains a contradictory statement by the Commission. At the outset of the document, the Commission stated that an "anti-multiple exposure" rule urged by syndicator Sandy Frank Program Sales, Inc., under which no more than one program of the same series could be broadcast each week during access time by a station subject to the rule, "was outside the scope of this proceeding." Second Report and Order, 50 FCC 2d 829 at fn. 1. This would appear to contradict the "stripping" footnote language.

a documentary, even if it is broadcast on a daily basis. If the Commission believes that daily broadcast of a program precludes use of the documentary exception (contrary to the analysis set forth above), we respectfully request waiver of any such limitation in order to allow as many licensees as possible to present this life-saving public interest program during prime viewing hours. While it would be less helpful, in the alternative we request issuance of a public notice restating the Commission's 1975 policy determination regarding the discretion of licensees to make good faith determinations as to the nature and scheduling of programs defined as exempt under the prime time access rule.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By: 
Steven C. Schaffer

SCS/abk

Attachment

REPRESENTATIVE SEGMENTS FROM RESCUE 911 PROGRAMS

The following material is taken from synopses prepared in the pre-production of each episode. The date following the informal story title used is the date of first broadcast.

911 BIRTH (9/5/89) - RESCUE 911 depicted a situation in which a seven-year-old girl who was instructed by a 911 dispatcher to coach her mother through the birth process while awaiting an ambulance.

NY FIRE (9/5/89) - RESCUE 911 crews accompanied the New York City Fire Department during a seven-day period to show firemen and paramedics at work.

MARYLAND MEDICAL (9/12/89) - RESCUE 911 recorded incidents at the R. Adams Cowley Shock Trauma Center in Maryland, the largest shock trauma center in the state.

AIR 5 (9/19/89) - RESCUE 911 showed the work of the Aero Bureau of the Los Angeles Sheriff's Department, using helicopters to respond to emergency situations during the 4th of July holiday.

ST. JOSEPH'S RIVER SAVE (9/26/89) - RESCUE 911 related an episode in which a 24-year old man witnessed a car plunge into the river next to this house and saved two women.

TRANSPLANT (9/26/89) - RESCUE 911 documented a day in the life of the largest transplant center in the world at Pittsburgh Presbyterian-University Hospital.

EASTER HUNT (10/3/89) - RESCUE 911 showed how an Orange County (California) Search and Rescue unit helped a son find his father, on a camping vacation, in time for the father to get a kidney transplant.

FURNACE FIRE (10/3/89) - RESCUE 911 showed how, while awaiting help, a woman was instructed by an EMS dispatcher to administer aid to her husband and two children injured in a water heater explosion.

FLORIDA SAVE (10/3/89) - RESCUE 911 provided an account of the discovery of an 18-month-old child in a St. Augustine, Florida swamp 26 hours after being reported missing. The search was conducted by local police and fire personnel with assistance from nearby military and civilian volunteers.

TEEN RESCUERS (11/14/89) - RESCUE 911 related the adventure of two young girls lost in the mountains near Castle Rock, Colorado who were rescued with the assistance of the Arapahoe teen rescue patrol, who were training in the area at the time.

SMART VICTIM (11/28/89) - RESCUE 911 related the account of a 28-year old woman who convinced a would-be rapist that she had to call work or else someone would come to get her. Instead, she conversed with a 911 dispatcher as if she were talking to her boss, and the dispatcher sent the police in time to prevent the woman from being assaulted.

AMTRAK (1/9/90) - RESCUE 911 showed how the high speed collision of an Amtrak train with three Conrail engines near the town of Chase, Maryland on January 4, 1987 resulted in an extraordinary rescue effort involving 65 hospitals, 10 trauma centers, 10 helicopters, 450 ambulances, and hundreds of fire fighters, rescue workers and local residents.

HURRICANE HUGO (1/30/90 and 4/25/90) - RESCUE 911 presented two segments covering the rescues that took place in Charleston, South Carolina in the wake of Hurricane Hugo in September, 1989.

DOMESTIC AWARENESS RESPONSE TEAM (2/28/90) - RESCUE 911 recorded the work of The Domestic Awareness Response Team of the Albuquerque police department, one of two such programs within a police department where officers are specially trained to handle domestic violence calls in a way that takes pressure off the victims.

911 CHILD ASTHMA (3/13/90) - RESCUE 911 told how a 911 dispatcher instructed a couple in vital instructions which saved the life of their 12-year-old boy when he suffered an asthma attack.

DENVER GENERAL HOSPITAL (4/10/90) - RESCUE 911 rode along with one of Denver General Hospital's ambulances and described the "Level One" facilities which provide the most advanced care available.

STOP, DROP AND ROLL (4/10/90) - RESCUE 911 showed how a nine-year-old boy was saved from extensive burns when his friend and neighbor remembered the safety technique of "stop, drop and roll" after gasoline ignited and engulfed the boy in a fire ball.

MIAMI MED CHOPPER (4/18/90) - RESCUE 911 recorded the work of the Metro-Dade Air Rescue team from the moment a 911 call was received to arrival at the hospital and administration of trauma center treatment to the accident victims.

MARBLE SAVE (5/1/90) - RESCUE 911 reported on an episode in which an air conditioning installer successfully performed the Heimlich maneuver on a child choking on a marble after the child's mother has been unsuccessful.

LOMA LINDA TRANSPLANT (9/18/90) - RESCUE 911 reported the story of the first heart transplant performed on a newborn infant, using film made by the hospital.

HENNEPIN COUNTY TRAUMA CENTER (3/26/91) - RESCUE 911 reported on a trauma center which accepts approximately 2,500 critically injured patients from the City of Minneapolis and surrounding counties every day.

PUBLIC SERVICE

(CREDITED WITH SAVING LIVES)

RESCUE 911 AWARDS

CERTIFICATE OF APPRECIATION
American Red Cross

1989 AWARD OF EXCELLENCE
*American College of Emergency Physicians, in recognition of superior
news reporting on the specialty of emergency medicine*

PRESIDENTS AWARD
National Academy of Emergency Medical Dispatch

SERVICE AWARD
National Emergency Number Association (NENA)

PRESIDENTIAL LEADERSHIP AWARD
National Association of Emergency Medical Technicians (NAEMT)

AWARD OF MERIT
Associated Public-Safety Communications Officers (APCO) (First Recipient)

PUBLIC EDUCATION AWARD
New York State Schools Transportation Safety Program

PRESIDENTIAL LEADERSHIP AWARD
Mid-Coast Emergency Medical Services Council, Inc. Region VI, Maine

ACEP 1990, PRESIDENT'S AWARD
*American College of Emergency Physicians, for outstanding achievement
in furthering public appreciation of emergency medicine*

1990 EMS PUBLIC EDUCATION AWARD
*Commonwealth of Kentucky, Cabinet for Human Resources,
Dept. for Health Services, Emergency Medical Services Branch*

RESCUE 911